HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 2762 OF 1999

BETWEEN

Chennaiah & others

.....**Petitioners**

And

The Secretary Revenue (FF) Department,
Government of Andhra Pradesh, Hyderabad.

.....**Respondent**

:: O R D E R::

Counsel for the Petitioners : Shri S. Srinivas Reddy

Counsel for the Respondent : Government Pleader for Revenue

Dated: 22.08.2006

In this petition, the petitioners have prayed for quashing the action of the respondent in stopping freedom fighters pension

payable to them.

In paragraph 4 of the belated counter-affidavit filed on behalf of the respondent by Shri V. Veeresham, Deputy Secretary to Government, Revenue Department, the following averments have been made:

> " It is true that the Government have issued various Government orders according pension to the original petitioners under State Scheme. Subsequent to the grant of pension, certain amendments were introduced to A.P. Freedom Fighters Pension Rules, 1978. In G.O.Ms.No.P714, dated 01.05.1981, the Government have deleted Rule (5b). Further, in G.O.Ms.No.1881, Revenue Department, dated 19.12.1981, orders were issued amending the A.P. Freedom Fighters Pension Rules, to the effect that a person who was released before or after conviction on tendering apology with or without furnishing surety/bond shall not be eligible for sanction of pension under the State Scheme. The petitioners at Sl.No.1 to 7, are from Warangal district and petitioners Sl.No. 8 to 10 are from Karimnagar. As per the records available no notice has been issued to petitioners 1,2,3,4,6 and 7 before stopping the pension. However, a Xerox copy of the notice dated 09.11.1982 issued to petitioner 5th is available in the records issued to 5th petitioner but no financial order stopping the pension is available in the records. In so far as petitioners Sl.No.8 to 10 are concerned, the record would indicate that a Telegraphic Notice dated 05.02.1996 has been issued to them before issuing in G.O.Ms.NO. 254, Revenue (FF.II) Department, dated 11.03.1996, for stopping pension. The said Government Order is passed as the petitioners Sl.No.8 to 10 did not submit their explanation to the telegraph notice dated 05.02.1996 sent to them in pursuance to Court Orders in W.P.No.11653/1993. Though orders were issued vide G.O.Ms.No.254,

Revenue (FF.II) Department, dated 11.03.1996, for stoppage of pension, the records do not indicate proof of service of the said order on petitioners 8,9 and 10. In view of the above aspects, as the petitioners Sl.No.1 to 7 were not given notices before stopping the pension and in so far as petitioners 8,9 and 10 are concerned as they were not made known about the passing 9of the orders stopping pension by serving the copies of the Government Order, it has been decided to issue fresh notices to the petitioners or their representatives before taking any action either for stoppage of the pension or for cancellation of the pension. It has also been decided to release the pension to the petitioners or their representatives subject to any further orders to be passed by the Government after following due procedure. In the above writ petition the legal representatives have filed separate applications requesting to implead them as party respondents on the ground that the petitioners (1) Sri K. Bhadraiah, (2) Sri M. Agaiah, (3) Sri M. Chandraiah, (4) Sri R. Kanthaiah died pending disposal of the writ petition. For the above reasons the Hon'ble High Court may be pleased to pass appropriate orders giving liberty to the Government to reinitiate enquiry by issuing notices for cancellation or stoppage of pension."

In view of the above extracted averments, the writ petition is disposed of as infructuous. However, liberty is given to the Government to hold enquiry and pass appropriate order after compliance of the rules of natural justice. If it is found that the petitioners or any one of them or their predecessor was not entitled to grant of pension under the Andhra Pradesh Freedom Fighters Pension Rules, 1978, the Government shall be free to stop further payment of pension to such person.

G.S.SINGHVI, CJ

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22.08.2006